

REMARKS/ARGUMENTS

Claims 125-133, 161, 162, 164-166, 170, 172, 173, 175, 176, 197-200, 211, and 257-259 are pending in the present application. Claims 125, 161, 170, 172, and 197 have been amended. Claim 201 has been canceled. New claims 257-259 have been added. No new matter has been added. Support for the amended claims is found on page 16, line 19 - page 17, line 20 of the pending specification. Support for the new claims is found on page 19, lines 8-26 of the pending specification. Reconsideration of the rejected claims is respectfully requested.

Applicant thanks the Examiner for the telephone interview granted on July 14, 2008, which involved the undersigned. During the interview, proposed claim amendments were discussed. The Examiner agreed that the amendments would move the claims forward, so the independent claims have been amended with the proposed amendments. Applicant appreciates the Examiner's time and helpful suggestions.

Double Patenting

Claims 125, 161, 170, and 197 are rejected under the judicially created doctrine of double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,661,405. Although Applicant does not necessarily agree with the rejections, a timely filed terminal disclaimer in compliance with 37 CFR § 1.321(b) accompanies this Amendment, in order to expedite issuance of the pending claims. As such, Applicant respectfully requests that the rejection with respect to claims 125, 161, 170, and 197 be withdrawn.

35 U.S.C. § 102(b)

Claims 125-130, 132, 133, 161, 162, 164-166, 170, and 197-201 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,678,869 to Kable (Kable). Applicant respectfully traverses.

Independent claim 161

Claim 161, as amended, is not anticipated by Kable since each and every limitation is not taught by Kable. To anticipate a claim, each and every element must be

disclosed in the prior art reference being cited. *Verdegaal Bros. v. Union Oil Col. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP § 2131. For example, claim 161 now recites,

a processor coupled to the first voltage divider and coupled to the second voltage divider, wherein the processor sends commands to a drive signal transmitter, the commands causing the transmitter to send a sequence of five states to the first and second voltage dividers independently, the five states comprising:

- i) zero voltage to the first and the second voltage dividers,
- ii) a gradient voltage to the voltage divider of the first antenna and zero voltage to the second antenna,
- iii) a constant voltage to the voltage divider of the first antenna and zero voltage to the second antenna,
- iv) a gradient voltage to the voltage divider of the second antenna and zero voltage to the first antenna, and
- v) a constant voltage to the voltage divider of the second antenna and zero voltage to the first antenna.

Kable does not disclose these features. Kable determines a set of coordinates for a stylus on a position responsive apparatus by applying a voltage source to a first terminal of a voltage divider network, while the second terminal (located on the opposite end) is grounded. (Kable, col. 9, lines 5-10.) Then, the procedure is reversed by grounding the first terminal and applying voltage to the second terminal. (Kable, col. 9, lines 10-12.) The combined readings from both steps are used to determine a coordinate of a stylus on a first axis. (Kable, col. 9, lines 10-12.) To determine a coordinate on a second axis for the stylus, the procedure is repeated on a second voltage divider network.

Kable discloses a stylus that receives these voltage measurements, but Kable makes no mention of removing the DC error component from the received signal at the stylus. Because Kable does not disclose removing the DC error component, there is no rationale in Kable for applying "zero voltage to the first and the second voltage dividers," as recited in claim 161. As stated in the present specification, "the potential measured by the stylus during state 1 is subtracted from each of the other four measurements to remove any DC error component." (Specification, page 17, lines 6-7.)

Furthermore, Kable makes no mention of compensating for the different heights of the underlying grid array elements with respect to the stylus (receiver). To compensate for this variation, the gradient voltage may be normalized to a constant voltage. (Specification, page 17, lines 11-14.) As known in the art, a gradient voltage is the voltage per unit length along a conductive path, which describes an electric field that is produced by a stimulus. For example, "If a radio frequency signal is applied to the voltage divider, the finger elements will radiate ... a gradient across the fingers." (Specification, page 7, lines 17-20.) In contrast, a constant voltage applied to the voltage divider provides a reference for normalizing the gradient voltage.

Kable does not disclose applying a gradient and a constant voltage as recited in claim 161 because Kable does not disclose normalization of the gradient voltage to compensate for the differing heights between the grid array elements and stylus.

For at least these reasons, Kable does not anticipate claim 161 or any claims dependent thereon.

Independent claims 125, 170, 172, and 197

Claims 125, 170, 172, and 197 have been amended in a similar manner as claim 161. These claims should be allowed for at least the same reasons as discussed in regard to claim 161 and for the additional limitations they recite.

Other claims

The remaining claims depend from one of the above claims and should be allowed for at least the same reasons and for the additional limitations they recite.

35 U.S.C. § 102(b)

Claims 125 and 131 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,304,612 to Proctor et al. (Proctor). Applicant respectfully traverses.

Independent claim 125

Claim 125, as amended, is not anticipated by Proctor since each and every limitation is not taught by Proctor. For example, claim 125 now recites:

a processor coupled to the voltage divider, wherein the processor sends commands to a drive signal transmitter, the commands causing the transmitter to send a sequence of three drive-signal states to the voltage divider, the three states comprising:

- i) zero voltage to the voltage divider,
- ii) a gradient voltage to the voltage divider, and
- iii) a constant voltage to the voltage divider

Proctor does not disclose these limitations. Instead, Proctor discloses a method to determine coordinates by applying force to a surface conductive sheet, which results in the conductive sheet coming into contact with conductors. (Proctor, col. 2, lines 28-32.) The contact allows a voltage measurement to be made that provides the coordinates. (Proctor, col. 2, lines 60-63.)

Because Proctor uses physical pressure instead of radio frequency to determine a location, Proctor necessarily does not require a transmitter to send a sequence of three drive-signal states as recited in claim 125.

For at least these reasons and similar reasons discussed with regard to claim 161, claim 125 should be allowed.

Dependent claim 131

Claim 131 depends from claim 125 and should be allowed for at least the same reasons and for the additional limitations it recites.

35 U.S.C. § 103(a), Kable

Claims 172, 175, and 176 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kable. Applicant respectfully traverses.

Claims 172, 175, and 176 are allowable over Kable for the reasons discussed in regard to claim 161. Withdrawal of the rejection is requested.

35 U.S.C. § 103(a), Kable in view of Proctor

Claim 173 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kable in view of Proctor. Applicant respectfully traverses.

Claim 173 is allowable because, among other reasons, claim 173 depends from non-obvious claim 172, as explained above. Withdrawal of the rejection is requested.

35 U.S.C. § 103(a), Kable in view of Siegel

Claim 211 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kable in view of U.S. Patent No. 2, 803,799 to Siegel et al. (Siegel). Applicant respectfully traverses.

Claim 211 is allowable because, among other reasons, claim 211 depends from non-obvious claim 197, as explained above. Withdrawal of the rejection is requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Charles Koch
Reg. No. 58,669

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
CIK:km
61418915 v1